

No 5226 Oquitas

27 Qnt. After they were sold, what was offered next? - Ans. Lot No. 4.
28 Qnt. Was Lot No. 5 offered by itself at all? - Ans. It was not offered separately.
29 Qnt. Was Lot No. 3 offered at any time separately in two lots of 31 & 33 acres respectively, as advertised?

Ans. They were not offered separately as advertised.
30 Qnt. Was either of them offered alone, that is, the 31 or 33 acres?

Ans. - They were not.
31 Qnt. What became of Lot No. 4. When it was offered?

Testimony

Ans. Lot No. 4 was knocked down at a bid of \$96. - made by John H. Hill for Mrs. Todd.
32 Qnt. Were you present when Lot No. 4 was knocked down to John H. Hill for your wife?
Ans. I was in the house at the time it was knocked down, but within hearing distance of the auctioneer, who also was within sight.

Whereupon the taking of said testimony was by consent adjourned to the 24th day of November A. D. 1886 at the place aforesaid at which time and place I proceeded to take the following:-

33 Qnt. After Lot No. 4 was knocked down to Mrs. Todd what was then said and done?

Ans. (Cautious objected to as leading & generally). I was in the house at the time the property was knocked down; came out and met Mr. John H. Hill and Mr. Rogers, coming towards the house, Mr. Hill said the property has been knocked down to Mr. Todd for \$96. - and she must comply with the terms of sale. I remarked that she would probably need a little time to make the arrangement. When I made this remark to Mr. Hill in the hearing of Mr. Rogers who was near by he (Mr. R.) immediately turned and went back to where the auctioneer was. - Following on about half way between the house and the place where the auctioneer was, but then remaining there a little while I turned and went back to the house again to consult Mrs. Todd about the sale. After some conversation I heard the auctioneer and immediately went out in the yard to the opposite side of the fence where the auctioneer was, and saw Mr. Rogers standing at the carriage. The auctioneer had just gotten in; Mr. Rogers then stepped in the carriage; at that moment some said to me that the property had been again offered, and bid in or was knocked down to Mr. Rogers. I expressed astonishment by some remark. I made that Mr. Rogers would attempt to sell the property again when it had been sold to Mrs. Todd. Mrs. Todd did not refuse to take the property. Mr. Rogers and his company then drove off without giving Mrs. Todd any opportunity to comply with the terms of sale. Mr. John H. Hill was acting as the agent of Mrs. Todd.

34 Qnt. Did you yourself hear the Auctioneer knock down the property (No. 4) to Mr. Rogers?
- - - I did not.

35 Qnt. Was Mrs. Todd present when the property (No. 4) was knocked down to Mr. Rogers?
Ans. - She was not.

36 Qnt. What is, or was the value of one-half of the crop of corn upon the premises at the time of the sale referred to?
Ans. I would estimate it to exceed \$25. -

37 Qnt. If it was then standing upon the premises, or after it was cut, thrashed, and gathered?